

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JOSE A TOLEDO TOLEDO  
CHARYMEL TOLEDO ADAMES

CASE NO. 08-08185-BKT  
CHAPTER 13

Debtor(s)  
\_\_\_\_\_

**TRUSTEE'S MOTION REQUESTING THAT THE ORDER GRANTING  
TRUSTEE'S MOTION REQUESTING DEBTOR TO MODIFY PLAN  
BE VACATED AND SET ASIDE (DKT#111)**

**TO THE HONORABLE COURT:**

COMES NOW, Alejandro Oliveras Rivera, Standing Chapter 13 Trustee, and very respectfully, ALLEGES, STATES and PRAYS:

1. On January 24, 2013, the Trustee filed Motion Requesting Debtor to Modify Plan (dkt#86). The court entered an order granting said motion on April 03, 2012 (dkt#111).
2. Plan dated June 19, 2009, is sufficiently funded to pay priority claims.
3. The Trustee request that the order entered on April 03, 2012 (dkt#111) be vacated and set aside.

**WHEREFORE**, the Chapter 13 Trustee hereby requests this Honorable Court to take notice of the aforementioned and grant any remedy it deems appropriate.

**14 DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST:** YOU ARE HEREBY NOTIFIED THAT YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE TRUSTEE'S MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

**CERTIFICATE OF SERVICE:** I hereby certify that on this date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that the foregoing has been served to U.S. Trustee at [ustpreregion21.hr.ecf@usdoj.gov](mailto:ustpreregion21.hr.ecf@usdoj.gov), and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to debtor(s), debtor(s) attorney, creditor and creditor's legal representation (if appearance has been filed) to their addresses of record.

TRUSTEE'S MOTION REQUESTING THAT THE ORDER GRANTING  
TRUSTEE'S MOTION REQUESTING DEBTOR TO MODIFY PLAN  
BE VACATED AND SET ASIDE (DKT#111)  
Case No. 08-08185-BKT PAGE 2

**RESPECTFULLY SUBMITTED** at San Juan, Puerto Rico, this April 12<sup>th</sup>, 2013.

**/S/ ALEJANDRO OLIVERAS RIVERA**

ALEJANDRO OLIVERAS RIVERA

Chapter 13 Trustee

PO Box 9024062

San Juan, PR 00902-4062

Phone: 787-977-3500

Fax: 787-977-3521